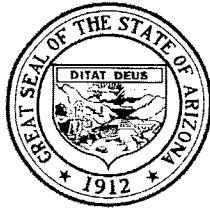


Douglas A. Ducey
- Governor -



Victoria Whitmore
- Executive Director -

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. Adams Street, Ste. 4600, Phoenix, Arizona 85007
Phone (602) 364-1-PET (1738) & FAX (602) 364-1039
vetboard.az.gov

INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Adam Almaraz - Chair

Amrit Rai, DVM

Cameron Dow, DVM

Brian Sidaway, DVM

STAFF PRESENT: Tracy A. Riendeau, CVT - Investigations
Marc Harris, Assistant Attorney General

RE: Case: 21-43

Complainant(s): Lauren Pokorny

Respondent(s): Christina Nutter, DVM (License: 4119)

SUMMARY:

Complaint Received at Board Office: 10/9/20

Committee Discussion: 4/6/21

Board IIR: 5/19/21

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On June 23, 2020, "Y[REDACTED]" a 17-year-old female domestic long hair cat was diagnosed with squamous cell carcinoma by Dr. Bilsland. Complainant elected to treat the cat with antibiotics until her quality of life deteriorated.

On September 8, 2020, the cat was declining and gabapentin was dispensed while Complainant considered her options.

On September 21, 2020, Dr. Nutter was scheduled to perform an at home euthanasia on the cat. After the euthanasia procedure, due to the condition of the cat, Dr. Nutter contacted law enforcement to file an animal neglect report against Complainant.

Complainant was noticed and appeared telephonically.

Respondent was noticed and appeared telephonically.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: Lauren Pokorny
- Respondent(s) narrative/medical record: Christina Nutter, DVM

PROPOSED 'FINDINGS of FACT':

1. On June 2, 2020, the cat was presented to Dr. Bilsland due to severe dental disease, and erosive destructive lesion at the upper left canine. It was reported that the cat had been to an emergency facility to have the mouth checked; cancer versus dental disease. Complainant explained the cat was a warehouse cat.
2. Upon exam, the cat had a weight = 7.38 pounds, a temperature = 101.7 degrees, a heart rate = 190bpm and a respiratory rate = 50rpm. Dr. Bilsland noted severe dental disease and an erosive destructive lesion at the upper left canine. There was a fistula midway between the medial canthus and planum nasale. Ocular discharge was present. Dr. Bilsland's rule-outs were squamous cell carcinoma vs fungal or osteo. Blood was collected for testing. Dr. Bilsland recommended that if the blood work was normal, return for sedation to remove the infected tooth, skull radiographs and perform a biopsy of tissue and bone. The cat was administered Convenia 80mg/mL, 0.35mL SQ and was discharged with Meloxicam and a/d diet.
3. The next day, Dr. Bilsland called Complainant to let her know that the blood results were within normal limits and the cat could be sedated for oral evaluation.
4. On June 16, 2020, the cat was presented to Dr. Bilsland for a biopsy, tooth extraction and radiographs. Upon exam, the cat had a weight = 7.56 pounds, a temperature = 102.1, a heart rate = 170bpm and a respiratory rate = 56rpm. An IV catheter was placed and the cat was sedated with Alfaxan 10mg/mL IV - 3.5mLs. Dr. Bilsland performed skull radiographs and did not note any obvious bone deficits except at incisors and upper left canine. She took a biopsy of the lesion at the upper left canine, removed the loose upper left canine and upper incisors and removed bone at demarcation of spongy soft abnormal bone and firmer bone. The area was sutured and the cat was given butorphanol 10mg/mL, 0.15mL IV, diluted to 3mL with saline. The cat was discharged later that day.
5. On June 22, 2020, the cat was presented to Dr. Bilsland for a recheck. Upon exam, the cat had a weight = 7.22 pounds, a temperature = 102.1 degrees, heart rate = 200bpm and a respiration rate = 50rpm. Dr. Bilsland noted that the fistula on the cat's muzzle had healed and the lower left canine tooth was causing a lesion on the upper lip. The cat's ocular discharge was improved and the defeat in the palate was healing. Dr. Bilsland injected 0.5mL bupivacaine into the left upper lip to place suture with quills to elevate the upper lip to allow the lower tooth room for the mouth to close. The lower canine could be removed if necessary. Dr. Bilsland demonstrated how to syringe feed a/d to the cat.
6. On June 23, 2020, Dr. Bilsland contacted Complainant's cat sitter/receptionist to relay the histopathology results - squamous cell carcinoma with secondary chronic, severe, suppurative osteomyelitis with abundant intralesional bacteria and hair. Referral to an oncologist was offered as well palladia and piroxicam. Dr. Bilsland recommended continuing antibiotics until quality of life deteriorates.

7. On June 29, 2020, the cat was presented to Dr. Bilsland for a recheck. Complainant reported the cat was eating and drinking well. Upon exam, the cat had a weight = 7.28 pounds, a temperature = 101.3 degrees, a heart rate = 200bpm and a respiratory rate = 40rpm. Dr. Bilsland noted the cat had Horner's syndrome, the fistula was healed, and the stitches in the mouth would dissolve. She discussed options with Complainant regarding radiation vs chemo at an oncologist or a trial with palladia/piroxicam. The treatment plan of convenia every 2 weeks for at least another three doses was agreed upon. The cat was administered convenia 0.35mLs SQ and was to have the injection repeated in two weeks. Dr. Bilsland dispensed palladia 10mg, 30 tablets; give one every Monday, Wednesday and Friday - piroxicam 1mg capsules were ordered.

8. On 7/20/20, 8/11/20 and 8/25/20 the cat was administered convenia injections. On 8/25/20, Complainant had reported that she was administering SQ fluids to the cat at home.

9. On September 8, 2020, the cat was presented to Dr. Bilsland for a convenia injection. Dr. Bilsland was advised that the cat was close to the end therefore she dispensed gabapentin 100mg/mL, 15mL; give 0.3 - 0.5mLs orally one to two times a day.

10. On September 18, 2020, Complainant's receptionist contacted Dr. Nutter to make an appointment to have the cat euthanized at home/warehouse. The appointment was scheduled for September 24, 2020, however, in the next couple of days, the cat rapidly declined therefore the appointment was rescheduled for September 21, 2020.

11. On September 21, 2020, Dr. Nutter arrived at the warehouse to meet Complainant's receptionist and euthanize the cat. Dr. Nutter stated the cat's face was disfigured and felt the cat was suffering therefore moved quickly on the euthanasia process. The cat was sedated with telazol 25mg/mL, 0.5mLs SQ and then 2mLs of euthanasia solution IV.

12. According to Complainant, prior to the cat being euthanized, Dr. Nutter had insisted that the cat had been neglected and she would be making a report. Complainant's receptionist explained that the cat had been rescued from the junkyard next door and had many visits to a veterinarian. According to Complainant, due to Dr. Nutter's behavior and shaky hands, her receptionist called her and put her on speaker phone/facetime so she could hear Dr. Nutter's conversation. Complainant stated that Dr. Nutter was yelling and screaming that they were awful people before, during and after the euthanasia procedure. After the cat was euthanized, Dr. Nutter said she would be contacting the police - Complainant agreed the police should be called. Dr. Nutter was asked to leave the premises until the police arrived.

13. According to Dr. Nutter she was shaky, but her tone was empathetic and non-judgmental. However, she felt obligated to report the matter and have the right people make the judgment if there was negligent involved. She stated that she was not asked to leave the premises and sat in her vehicle while waiting for the police. At this time, Dr. Nutter called Dr.

Bilsland.

14. According to Dr. Bilsland, Dr. Nutter complained that her care of the cat was inadequate and threatened to call the police. Dr. Bilsland stated that Complainant was offered referral, surgery, palliative, chemo and pain medication, which she had no interest in. Complainant stated that the cat was on pain medication that was prescribed by Dr. Bilsland; the cat was also receiving SQ fluids.

15. Dr. Bilsland further stated that Dr. Nutter was extremely aggressive and rude during the phone conversation. She was unable to explain anything about the case due to Dr. Nutter shouting.

16. Dr. Nutter spoke with the police and explained that she did not know if this was a case of neglect but felt someone should look into it.

17. On September 24, 2020, Complainant saw that Dr. Nutter posted a photo of the cat on her social media account without her permission. She requested the photo be removed. Dr. Nutter stated that she did post a photo of the cat on her social media account without the cat's or pet owner's identity. It was not her intent to have the pet owner see the post and deleted the picture when Complainant contacted her.

18. On September 25, 2020, Complainant stated that she emailed Dr. Nutter multiple times in attempts to resolve the matter. Dr. Nutter did not respond to the emails. According to Dr. Nutter, she did not receive any of Complainant's alleged emails.

19. On September 29, 2020, Complainant disputed her credit card fees due to only the euthanasia being performed, not the cremation or paw print. According to Dr. Nutter, Complainant was not billed for a paw print, only euthanasia and individual cremation. She did not have the opportunity to refund the cremation because Complainant was issued a charge back for the full amount.

20. On October 5, 2020, Dr. Nutter sent Complainant an email with her condolences and offerings of grief support.

21. Complainant requested that Dr. Bilsland redact her false statements in the medical record and expressed concerns with Dr. Nutter's mental stability.

COMMITTEE DISCUSSION:

The Committee discussed that it understandable why everyone was upset about this experience. Respondent felt it was her obligation to report a potential neglect case and the pet owner was upset that there was stress around the euthanasia of the cat.

The Committee did not feel Respondent's conduct was unprofessional. Although the matter could have been handled better, they did not feel there was a violation.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the Veterinary Practice Act occurred.

COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

TR

Tracy A. Riendeau, CVT
Investigative Division

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

TOP OFFICE USE ONLY	
Date Received: <u>OCT. 9, 2020</u>	Case Number: <u>21-43</u>

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: DRM Christina Nutter
Premise Name: Gentle Journey
Premise Address: 4017 N. Miller Rd
City: Scottsdale State: AZ Zip Code: 85251
Telephone: 602-332-7757

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Lauren Pokorny
Address: [REDACTED]
City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]
Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Y [REDACTED]
Breed/Species: Feline - Longhair
Age: 17 years Sex: Female Color: Beige

PATIENT INFORMATION (2):

Name: _____
Breed/Species: _____
Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.

Dr. Gayle Bilsland
Phx Dog Cat Bird
3418 N. 7th Ave
Phx, AZ
602-274-0561

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.

K. [REDACTED]
[REDACTED]
[REDACTED]

A. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: Lauren O'Korny
Date: 10/9/2020

Arizona Veterinary Medical Examiner Board

Complaint Details: F. Allegations and /or Concerns

These are the details regarding a complaint against Dr. Christina Nutter.

Dr. Nutter performed a euthanasia procedure while mentally unstable and emotionally agitated, lost complete control of herself as well her veterinarian ethics, morals and any level of professionalism during the procedure. Dr Nutter acted aggressively towards the animal as well as the people present before, during and after. Dr. Nutter informed me that she would be a filing animal negligence report against the owner. She demanded that either the owner let her leave with the deceased cat which she would then take to the police department or that she would call the police to come to the building and take a report. I chose to call the police and they did arrive to take statements. Dr. Nutter was asked to leave the premises due to trespassing but she refused. Dr. Nutter also placed a photo of the deceased animal on her Gentle Journey Facebook page without permission from the owner. All of the above actions have caused a great deal of shock, emotional stress, inability to grieve, insomnia and anxiety; in myself and those present. It is my belief that Dr. Nutter should be investigated for mental, emotional instability, acting in an aggressive, threatening manner towards a client & animal; unprofessional conduct becoming a veterinarian euthanasia doctor.

Sequence of Events: Dr. Nutter was consulted on Sept 18, 2020 regarding the possibility of putting down a feline at the address of [REDACTED]. There were 2 choices given at that time Mon 9/21 or Thur 9/24. My secretary had originally made the reservations for Thur 9/24, so that I could be present since I was out of town at the time. On Sat 9/19 & Sun 9/20, the feline- Y[REDACTED] took a drastic turn for the worst. The feline-17 years old suffering from Squamous Carcinoma. My secretary changed the euthanasia date from 9/24 to 9/21 to make certain that Y[REDACTED] was not suffering. My secretary was giving Y[REDACTED] pain meds prescribed by Dr. Bilsland-PhxDog,Cat,Bird hospital as well as sub-q fluids. Dr. Nutter was informed of this palliative care as well as the fact that we were moving the date up. When Dr. Nutter arrived at 12noon on Mon-9/21, 2020; she was mentally & emotionally unstable, emotionally agitated and aggressive.

She insisted that Y█████ had been neglected and that she would be making a report to that fact. My secretary tried to explain that she had taken a turn for the worst and that's why we moved the date up. My secretary stated that Y█████ was 17 years old, had been rescued from the junk yard next door, that she had many visits to the doctor over the years, the hair & nail salon and that she was not ever neglected or abused.

Explaining the facts only seemed to agitate and make Dr. Nutter unstable. At this point she was literally screaming and yelling at the top of her lungs at the feline as well as my secretary. My secretary had phoned me leaving the line open on speaker so I was able to hear the entire conversation. While screaming and yelling about what awful people we were, Dr. Nutter (hands shaking plunged the needle into my beloved cat Y█████) the second injection as the same- screaming, yelling, hands shaking as she plunged the needle in. My secretary and one of my employees stood by with great horror, shock and disgust that anyone would put an animal down with that kind of energy. Wow, just wow. There are not enough words in the English language for me to describe my feelings. When the cat was pronounced dead, Dr. Nutter continued screaming and yelling about needing to file a report on the cat. She said that "either she would take the cat to the police department or she would call the police" We both agreed to contact the police. I also contacted my husband A█████ H█████ and my lawyer Jason Squires. The police were called; Dr. Nutter never calmed down nor came back to a professional decorum. Dr. Nutter was asked to leave my premises until the police arrived because I was afraid of what she might do. At this point I was seriously concerned for the lives of my employees and wanted to do whatever was necessary to keep them safe. I also informed her that she was trespassing at which point she went into the parking lot, until the police arrived. The entire incident lasted about 3hrs on Monday September 21, 2020-12noon-3pm. While what I have personally suffered can never be fixed or changed, a scar on my heart, I can only pray that Dr. Nutter is able to find her way back to being a balanced human being in all aspects-emotionally, physically, mentally, spiritually. I contacted her via email on 9/25 asking to speak with her to find resolution to the conflict. I emailed her 5 times after that with the same request. Dr. Nutter never responded once to my email.

Tuesday September 29, 2020- I called my credit card copy to perform a charge back to the merchant Gentle Journey for un fulfilled services. I paid for full euthanasia, cremation, paw print, etc. Total \$428. Only the euthanasia was performed.

It is my opinion that Dr. Nutter is emotionally and mentally unstable which then presents its self as unprofessional, unethical, immoral, aggressive and threatening conduct unbecoming a licensed veterinarian.

Sincerely

Sincerely
Lauren Pokorny
[Redacted Signature]

October 30, 2020

In regard to the complaint 21-43 filed against Christina Nutter, DVM

The medical record details most of the events in this case. This narrative is to fill in any additional information.

When I walked into the warehouse to meet K., I saw Y. on the ground. She was moving her head very slowly while laying down. She looked like she was struggling to find a comfortable way to rest. As I got closer and saw the condition of her face (One eye was shut, her mouth couldn't fully close do to missing flesh. It was actually hard to make out what was what on her face at first sight. My immediate response to seeing the cat was a lump in my throat and tears in my eyes. I've been doing this for 16 years and not many cases illicit this kind of response from me. My goal was to get the cat comfortable as quickly as possible. I normally don't try to rush the euthanasia process except in cases where I can tell the pet is actively suffering. In those cases, I explain that I want to get the sedative in right away to get the pet out of pain and most clients appreciate this level of compassion toward their pet. K. was defensive and seemed to be disconnected from the cat's state and that was what first sign that made me feel concerned that this should be looked into. I expressed that I was a bit shocked that on the phone 2 days ago they felt this cat still had "fire" because she was still moving. I tried to educate K. on the state of the cat and K. was offended that I was rushing, that I was sad and that I was telling her something different than what she believed to be true about the cat's current condition. I got photos right after the euthanasia because I had agreed prior to arriving to allow K. to groom the cat before I took the body for cremation. Lauren had not been called at this point and has no witness account to what happened during the euthanasia.

Lauren's complaints about my mental and emotional stability are false. While, I was shaky because I didn't want to have the confrontation, my tone was empathetic and non-judgmental. I tried to help them understand that I'm not accusing them of anything but rather I feel obligated to report this so the right people can make that judgement. Honestly, I wasn't sure who was to blame or if this was even going to be considered neglect.

I chose to sit in my car after the euthanasia because I wanted to call the vet's office and the police in private. No one ever asked me to leave the premises. I was never yelling and screaming. My voice was shaky as I felt uncomfortable with the situation but again, my tone was non-judgmental. I kept saying it's not up to me. I just need to make the report and someone else will decide.

It was very hot, and I had been waiting in my car, so I told them I was going to circle K to get something to hydrate. Everyone was calm and friendly to each other. One of the employees told me where the Circle K was.

Lauren was never present. Her husband arrived while I was going to circle K. Her husband and employees were all polite. Her husband asked me a few questions before the police came.

Again, I was apologetic and explained my position. Once he understood where I was coming from, he said he understood.

When I got back, I waited in my car because it was more comfortable and private. When the police arrived, I was calm and professional. I told them I don't know if this is a neglect case, but I think someone should look into it. After the officers saw the cat, they agreed it was worth looking into.

I never received the multiple emails that Lauren claims she sent me. They were not found in my junk folder either. I do send an auto-generated letter to all our clients asking them to share their experience or complaints with me. I think this is a professional part of my business.

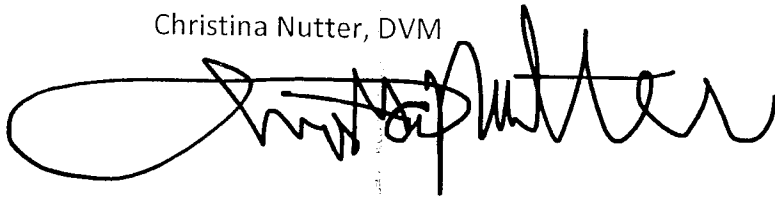
Lauren was billed for a home euthanasia and individual cremation for \$480. She was never billed for a paw print. I didn't have the opportunity to refund for the cremation because she issued a charge back for the full amount. The total amount for euthanasia only was \$285 which she has not paid for at this point.

I did post the photo on Facebook without any details about the patient or client's identity. I posted it for educational purposes and wrote something about this cat was still eating up to a couple of days ago. Please don't use eating and drinking as your only sign of suffering. I can't remember exactly because after Lauren contacted me via Facebook messenger about wanting it taken down, I deleted the post. I didn't expect Lauren to see the post as it would just go to people who are on the Gentle Journey Facebook page. I didn't post it with any malicious intent or to call Lauren out in any way.

When I have the police report, I will submit it as evidence that no complaint was made about me yelling or being a threat to anyone at the time the report was made.

Lauren was not present. I did talk to her on the phone and she immediately started berating me about ruining the euthanasia experience. I told her I was not in a place to talk about that right now and we could talk about it the next day and I handed the phone back to K. My priority in the moment was to deal with the possible animal neglect situation.

Christina Nutter, DVM

A handwritten signature in black ink, appearing to read 'Christina Nutter', with a large, stylized loop at the beginning.

DOUGLAS A. DUCEY
GOVERNOR



VICTORIA WHITMORE
EXECUTIVE DIRECTOR

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

1740 W. ADAMS STREET, STE. 4600, PHOENIX, ARIZONA 85007

PHONE (602) 364-1-PET (1738) • FAX (602) 364-1039

VETBOARD.AZ.GOV

IN ACCORDANCE WITH A.R.S. § 32-2237(D): "IF THE BOARD REJECTS ANY RECOMMENDATION CONTAINED IN A REPORT OF THE INVESTIGATIVE COMMITTEE, IT SHALL DOCUMENT THE REASONS FOR ITS DECISION IN WRITING."

At the May 19, 2021 meeting of the Arizona State Veterinary Medical Examining Board, the Board considered the recommendations of the Investigative Committee regarding case number 21-43 In Re: Christina Nutter Guttuso, DVM.

The Board considered the Investigative Committee's Findings of Fact and Conclusions of Law:

❖ *Dismiss this issue with no violation.*

Following discussion, the Board concluded that Respondent's conduct was unprofessional and voted to find a violation of A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (1) failure to show respect and provide considerate treatment to the pet owner by posting a photograph of the cat on social media without the pet owner's consent.

Respectfully submitted this 16TH day of June, 2021.

Arizona State Veterinary Medical Examining Board

A handwritten signature in black ink, appearing to read "Jim Loughhead", written over a horizontal line.

Jim Loughhead - Chair